

CITY COUNCIL, CITY OF LODI
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MAY 16, 1990
7:30 P.M.

ROLL CALL

Present: Council Members - Hinchman, Olson,
Pinkerton, Reid, and Snider (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City
Manager Glenn, Assistant City Engineer
Prima, City Attorney McNatt, and City Clerk
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INVOCATION The invocation was given by Assistant City Manager Jerry Glenn.

PLEDGE OF ALLEGIANCE The Pledge of Allegiance was led by Mayor Snider.

CONSENT CALENDAR In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Reid, Hinchman second, approved the following items hereinafter set forth with the following listed exceptions:

- 1) Agenda item E-16, entitled, "Intention to vacate City property north of Turner Road between the Southern Pacific Railroad and private property fronting Awani Drive" was removed from the agenda.
- 2) Agenda item E-18, entitled, "Purchase of aerial fire truck" was removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.
- 3) Agenda item E-19, entitled, "Update on 2-hour fire wall requirements contained in Ordinance No. 1482 adopting the 'Uniform Fire Code, 1988 Edition' was removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.

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CLAIMS CC-21(a) Claims were approved in the amount of \$1,699,607.25.

MINUTES The Minutes of March 21, 1990 and April 4, 1990 were approved as written.

SPECIFICATIONS
APPROVED FOR 10,000-LB
CAPACITY FORKLIFT

CC-12.1(b) The City Council approved the specifications and authorized advertisement for bids for the purchase of one 10,000-pound capacity forklift for use at the Municipal Service Center.

The City Council was advised that the existing higher-capacity lift at MSC is a 1961 Moline, purchased used by the City in December, 1974, and having a rated capacity of 6,000 pounds. Because of its age, repair parts are increasingly harder to find, and extended periods of downtime are becoming more frequent.

Additionally, because of its capacity limitation, it is unable to handle the larger transformers and vaults that are being purchased for use in the City's electrical distribution system.

The new forklift would be used to handle materials and equipment weighing over 3,000 pounds, the rated capacity of the smaller lift at MSC. In addition to transformers and vaults, cable reels, metalclad switchgear, units of crossarms, pallets of paint for streets, and bins of scrap metal all exceed 3,000 pounds in weight.

The estimated cost of this equipment is \$35,000, the amount of which has been included in the 1989/90 budget.

The bid opening is scheduled for May 30, 1990.

SPECIFICATIONS FOR
TRANSFORMER STORAGE
RACKS

CC-12.1(b) The City Council approved the specifications and authorized the advertisement for bids for the purchase of eight sections of galvanized transformer storage racks.

The City Council was informed that transformer storage space requirements at the Municipal Service Center yard have increased during the past two years as order quantities and equipment sizes have grown. Transformers may now be stored in up to four separate locations, depending on the availability of space. During the last inventory, auditors cited the condition as a deficiency, and recommended that the transformers be located in a more centralized location.

These racks would provide storage for up to 48 pad-mount and 80 pole-mount transformers, allowing crews easier identification and giving more direct access to individual

pieces of equipment. This storage would be located immediately to the west of the existing storage racks.

The estimated cost of this purchase is \$12,000, an amount which has been allocated in the 1989/90 budget.

The bid opening is for May 29, 1990.

SPECIFICATIONS FOR LODI LAKE PATROL BOAT

CC-12.1(b) The City Council approved the specifications and authorized advertisement for bids for one 18-foot Gregor pontoon-style patrol boat for Lodi Lake.

The City Council was advised that in 1989 the City Council approved funding to replace an aging patrol boat at Lodi Lake. After studying various boat designs, the Parks Department selected the pontoon-style as the one best suited for the needs at the lake.

First, the twin hull provides stability necessary when bringing a swimmer on board. Second, the low deck allows easier access to persons or objects in the water. Third, the shallow hull allows accessibility to virtually all areas of the lake and shoreline if law enforcement or assistance becomes necessary.

The 1989-90 Parks Department budget includes \$8,000 for this purchase.

The bid opening is scheduled for Tuesday, May 29, 1990.

SPECIFICATIONS FOR ROCK AND SAND MATERIAL FOR FISCAL YEAR 1990-91

CC-12.1(c) The City Council approved the specifications for rock and sand material and authorized advertisement for bids to be received Wednesday, May 30, 1990.

The City advertises for rock and sand material on an annual basis. This bid will cover rock and sand material needed during the fiscal year July 1, 1990 through June 30, 1990.

A recap of the quantities is shown below:

ROCK AND SAND MATERIAL		QUANTITIES
Item No. 1	100 tons 3/4" class II aggregate	
Item No. 2	300 tons concrete sand	
Item No. 3	350 tons 1/4" x #10 crushed rock	

SPECIFICATIONS FOR
ASPHALT MATERIALS FOR
FIRST AND SECOND QUARTERS
OF FISCAL YEAR 1990-91

CC-12.1(c) The City Council approved the specifications for asphalt materials and authorized advertisement for bids to be received Wednesday, May 30, 1990.

The City advertises for asphalt materials on a semi-annual basis. This bid will cover asphalt materials needed during the first and second quarters of fiscal year July 1, 1990 through December 31, 1990.

A recap of the quantities is shown below:

ASPHALT MATERIALS	QUANTITIES
3/8" Asphalt Concrete	2,400 Tons
1/2" Asphalt Concrete	250 Tons

SPECIFICATIONS FOR
MAINTENANCE OF
LANDSCAPED AREAS

CC-12.1(c) The City Council approved the specifications for maintenance of landscaped areas and authorized advertisement for bids to be received Wednesday, May 30, 1990.

The City is advertising for maintenance of 38 landscaped areas within the City of Lodi and the landscaped area at the White Slough Water Pollution Control Facility. This bid will cover maintenance of the areas during the fiscal year July 1, 1990 through June 30, 1991.

PLANS AND SPECIFICATIONS
FOR LODI AVENUE AND
HAM LANE INTERSECTION
IMPROVEMENTS

CC-12.1(c) The City Council approved the plans and specifications for the Lodi Avenue and Ham Lane Intersection Improvements and authorized advertising for bids.

This project consists of installing three City-furnished vaults, two cable TV-furnished boxes, and conduit of various types and diameters. Electrical and cable TV wiring will be installed at a future date as a separate project.

This project also includes an asphalt overlay of the Lodi Avenue/Ham Lane intersection. The overlay project had been

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originally budgeted in 1988 but was postponed until the underground conduit was installed.

PURCHASE OF 15KV
UNDERGROUND CONDUCTOR

RES. NO. 90-66 -B

CC-12(d)
CC-47
CC-300

The City Council adopted Resolution No. 90-66 awarding the bid for the purchase of two sizes of 15kv underground conductor to the low bidders in each category, in the amounts shown below:

24,000 feet #2	Cablec Industrial Cable, New City, New York	\$25,219.50
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20,000 feet #2/0	Reynolds Metal Co., Richmond, Virginia	\$22,610.00
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On December 20, 1989, the City Council approved specifications and authorized advertisement for bids. Bids were opened on January 16, 1990.

After evaluation of proposals, the recommendation was made to reject bids for #2 and #2/0 underground conductor and to reopen bidding. On March 7, 1990, the City Council approved that recommendation.

During March the price of copper experienced a period of volatility, and reopening of the bidding process was delayed to allow prices to stabilize. During April the markets stabilized, and on May 2, 1990 new bids were opened. Results of the bidding were as follows:

Bidder	24,000' #2AWG	20,000' #2/OAWG
Cablec Industrial Cable, NY	\$24,760.50*	\$28,283.75*
Cablec Industrial Cable, NY	<u>\$25,219.50</u>	\$28,708.75
Reynolds Metals, Richmond, VA	\$27,718.50	<u>\$22,610.00</u>
Pirelli Cable, Colusa, CA	\$25,296.00	\$23,205.00
Canada Wire, Ontario, Canada	\$27,004.50*	\$28,963.75*

*Price subject to escalation, based on metals prices at time of shipment

Although price volatility has eased somewhat in recent weeks, copper supplies remain tight and strikes persist in some copper-producing countries. It is therefore Purchasing's recommendation that Cablec's firm price of \$25,219.50 be used for the purchase of the #2AWG conductor.

Funding for this purchase is available in the Electric Utility Department's Operating Fund.

CONTRACT AWARD FOR
PINE STREET OVERLAY,
SOUTHERN PACIFIC
RAILROAD TO CHEROKEE
LANE

RES. NO. 90-67

CC-12(a)
CC-12(c)
CC-300

The City Council adopted Resolution No. 90-67 awarding the contract for the Pine Street Overlay, Southern Pacific Railroad to Cherokee Lane to Claude C. Wood Company in the amount of \$132,742.00.

This project consists of edge grinding and a pavement overlay on Pine Street between the Southern Pacific Railroad tracks and Cherokee Lane. Also included in the project is the replacement of miscellaneous sections of curb and gutter, specifically the section between Garfield Street and Cherokee Lane where there are a number of large City trees adjacent to the curb.

Plans and specifications for this project were approved on April 18, 1990.

The City received the following three bids for this project:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Engineer's Estimate		\$147,027.70
Claude C. Wood Company	Lodi	\$132,742.00
Teichert Construction	Stockton	\$141,079.67
Granite Construction	Stockton	\$157,887.00

REPORT OF THE
SALE OF CITY PROPERTY

The City Council was apprised by Purchasing Officer Joel E. Harris that in accordance with recently-enacted Ordinance No. 1474, this report of the sale of City property is hereby submitted by Purchasing Officer Joel E. Harris for the information of the City Council.

The following item of City property has been sold within the last thirty days:

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4/17/90 1 Dodge 318 Cu. In. Engine \$ 250.00

This item was originally included in the sale of vehicles and equipment approved by the City Council in February, 1990. One bid was received for the engine, and because it was below the established minimum bid price, that bid was rejected. Subsequent to the closing of the vehicle sale, an offer was received for the item at the minimum bid price of \$250, and that offer was accepted.

CONTRACT CHANGE ORDER
- HOUSE REMOVAL AT
12001 NORTH THORNTON ROAD

CC-6 This information was given to the City Council in
CC-90 accordance with the policy approved by Resolution No. 85-172.

This contract was unusual in that SUDA, Inc./Delmer Almer was paying the City of Lodi \$2,657.84 for the house/garage located at 12001 North Thornton Road. Under the contract, the contractor was obligated to remove the house and garage and clear the property. The abandonment of the existing septic tank was a City responsibility. Since the septic tank was in the way of moving the house and the contractor was licensed to do septic tank removal work, a change order was issued.

ACCEPTANCE OF IMPROVEMENTS
UNDER ELM STREET PARKING
LOT, 207 AND 211 WEST ELM
STREET, CONTRACT

CC-90 The City Council accepted the improvements under the "Elm Street Parking Lot" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.

The City Council was advised that the contract was awarded to Gooden Paving Company of Acampo on September 20, 1989, in the amount of \$33,846.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was April 26, 1990 and the actual completion date was May 1, 1990. The final contract price was \$37,551.00. The difference between the contract amount and the final contract price is mainly due to additional imported fill.

The County of San Joaquin has contributed \$80,000 toward the construction cost. The lighting and landscaping of the parking lot will be done in the near future under separate contracts.

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ACCEPTANCE OF IMPROVEMENTS
AT 1918 SOUTH CHURCH STREET

RES. NO. 90-68

CC-46
CC-300

The City Council adopted Resolution No. 90-68 accepting the development improvements for 1918 South Church Street.

Improvements at 1918 South Church Street have been completed in substantial conformance with the requirements of the Development Agreement between the City of Lodi and Geweke Properties, dated December 21, 1988, as shown on Drawing Nos. 88D044, 88D045, and 88D065, and as specifically set forth in the plans and specifications approved by the City Council.

The streets to be accepted are as follows:

<u>STREETS</u>	<u>LENGTH IN MILES</u>
Church Street	0.00
Anderson Avenue	0.01
TOTAL NEW MILES OF CITY STREETS	0.01

ITEM REMOVED FROM
THE AGENDA

Agenda item E-16, entitled, "Intention to vacate City property north of Turner Road between the Southern Pacific Railroad and private property fronting Awani Drive" was removed from the agenda.

PUBLIC HEARING SET
REGARDING SUNWEST
PLAZA REORGANIZATION

RES. NO. 90-69

CC-8(a)

Mayor Snider abstained from discussion and voting on this matter because of a possible conflict of interest.

The City Council adopted Resolution No. 90-69 - Resolution directing the City Clerk, pursuant to State of California Government Code Section 5700 et. seq., to set a public hearing for Wednesday, 7:30 p.m., June 6, 1990, to consider the Sunwest Plaza Reorganization including annexation to the City of Lodi and detachment from the Woodbridge Fire District and the Woodbridge Water Users Conservation District.

On March 13, 1990, this proposal was initiated by petition of property owners and on March 13, 1990, the Executive Officer of LAFCO certified the application filed for

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processing in accordance with the Local Government Reorganization Act.

Following a public hearing regarding the matter held on April 27, 1990, the Local Agency Formation Commission of San Joaquin County determined and ordered the following:

1. The Environmental Impact Report adopted by the City of Lodi as lead agency has been reviewed and considered, and a statement of overriding considerations is hereby adopted.
2. The above entitled reorganization is approved subject to the terms and conditions contained herein.
3. The boundaries are hereby approved, said boundaries being set forth in Exhibit A.
4. The affected territory is uninhabited.
5. The City of Lodi is designated as the conducting authority and the City Council is authorized to initiate proceedings for uninhabited reorganization in accordance with Section 5700 et. seq. of the Government Code.

CONSTRUCTION CONTRACT
CHANGE ORDER FOR 60-KV
AND 12-KV LOW VOLTAGE
COMPONENT OF THE INDUSTRIAL
SUBSTATION SWITCHYARD

CC-51(d) The City Council, by motion action, granted approval of
CC-90 change order to the construction contract for the Industrial Substation with Kinetic/Chapek Construction, to include construction of the 12-kv low voltage component of the switchyard facilities, and changes/modifications to the 60-kv side, at a total cost of \$288,219.

At the January 17, 1990 Council meeting, the City Council awarded the construction contract for the Industrial Substation to Kinetic Engineering of Loomis, California in a joint venture with Chapek Construction, Inc. of Sacramento, California. The project included "the complete construction of one substation" (Bid Documents, Volume 1, Section 3.1). It was understood at the time of bidding that the substation would include a 12-kv low voltage component, but plans for this aspect of the project had not been completed when the bid was awarded.

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It would have created problems with the construction schedule to wait until the 12-kv plans were complete before awarding the general contract, so a determination was made to award the general contract and to thereafter execute a change order for the 12-kv component and such other changes as were deemed necessary. For that purpose, bids were solicited on a "unit price" basis (Bid Documents Volume 1, Section 3.3) and the general contractor has agreed to perform the work for that unit price.

Approximately 65% of the \$288,219 figure (or about \$187,342) would be for modifications to the 60-kv side. The remaining 35% (\$100,877) is the cost of the 12-kv portion of the change order. That would complete the work contemplated in the original contract. The remainder of the 12-kv yard would be constructed utilizing Electric Utility Department staff.

Funding for this change order is available within the overall funding source of the project.

FORMALIZATION OF
INTEGRATED OPERATION
OF NORTHERN CALIFORNIA
POWER AGENCY (NCPA)
GEOTHERMAL PROJECT
THROUGH EXECUTION OF
THE GEOTHERMAL PROJECT
OPERATING AGREEMENT

CC-7(j)
CC-90

The City Council authorized the City Manager and City Clerk to execute the Geothermal Project Operating Agreement (Agreement).

The City Council was apprised that when each of the two NCPA Geothermal Projects began their commercial operation, they were accounted for and operated as though the two projects were separate. Controlled operation of the Geothermal Projects has demonstrated that better utilization of the plants can be accomplished through unified operation and equitable allocation of steam between the projects.

Therefore, a Geothermal Project Operating Agreement was prepared which allows NCPA to make "best use" of the Geothermal resource, allocate steam and well drilling costs on the basis of the net output from each project - all in accord with the Memorandum of Understanding regarding the NCPA Geothermal Projects dated July 28, 1983.

Several years of study and review by NCPA and participant staffs have resulted in an agreement which allocates project costs equitably and make participants indifferent to the source of steam as well as make best use of the

generation facilities. City of Lodi staff have participated in the development of the Agreement and recommend its approval.

CLASS SPECIFICATIONS
AND SALARY RANGE FOR
LEAD EQUIPMENT MECHANIC
APPROVED

RESOLUTION NO. 90-71

CC-34 The City Council adopted Resolution No. 90-71 approving the
CC-300 new class specification and salary range (\$2143.80 - \$2605.78) for Lead Equipment Mechanic.

The City Council approved the addition of an advanced journey level mechanic in the Public Works Department 89-90 budget.

A classification study was conducted to establish the appropriate allocation; the study concluded that a Lead Equipment Mechanic should be established. This new classification would provide lead direction to journey level mechanics, assist the Equipment Maintenance Supervisor in administrative duties, and supplement the staff by also performing skilled mechanical repair work.

This new classification would be assigned to the Maintenance and Operators (IBEW) bargaining unit, at

A	B	C	D	E
\$2143.80	\$2250.98	\$2363.52	\$2481.69	\$2605.78

The Public Works Director concurs with this new classification and salary range.

AMENDED JOB SPECIFICATIONS
AND SALARY ADJUSTMENT FOR
EQUIPMENT MAINTENANCE
SUPERVISOR AND BUILDING AND
EQUIPMENT SUPERINTENDENT

RES. NO. 90-72

CC-34 The City Council adopted Resolution No. 90-72 approving the
CC-300 revised class specification for Equipment Maintenance Supervisor and adjusting the salary ranges for Equipment Maintenance Supervisor by 4.56% and Building & Equipment Maintenance Superintendent by 4.18%.

The current salary differential between Building & Equipment Maintenance Superintendent and Equipment Maintenance Supervisor is 17.87%. As a result of adding a Lead Equipment Mechanic in the equipment maintenance shop,

the existing differential is changed. To maintain an equitable distribution between the two higher level positions it is recommended that the salaries be adjusted accordingly.

The additional compensation of 4.56% would place the salary range for Equipment Maintenance Supervisor as follows:

A	B	C	D	E
\$2358.15	\$2476.06	\$2599.87	\$2729.87	\$2866.37

The additional compensation of 4.18% would place the salary range for Building & Equipment Maintenance Superintendent as follows:

A	B	C	D	E
\$2770.84	\$2909.38	\$3054.85	\$3207.60	\$3367.98

CLASS SPECIFICATIONS AND
SALARY RANGE FOR ASSISTANT
WATER/WASTEWATER SUPERINTENDENT

RESOLUTION NO. 90-80

CC-34 The City Council adopted Resolution No. 90-80 approving the
CC-300 new class specification and salary range for Assistant
 Water/Wastewater Superintendent.

The City Council was reminded that it had granted authorization to add a new position to the Public Works 89-90 budget. This new position, Assistant Water/Wastewater Superintendent, will provide administrative support to the Water/Wastewater Division. That support will focus on supervision and coordination of all field operations of the division, supervise the water conservation program and assist in the critical area of ensuring compliance with governmental regulations.

A classification and salary study was completed to establish the appropriate allocation. The study concluded that a mid-management level classification would assist the division as it grows and responds to increasing environmental demands.

The new classification, ASSISTANT WATER/WASTEWATER SUPERINTENDENT, monthly salary range, \$2853.39 - \$3468.32, would be assigned to the mid-management group. This salary range is equivalent to the Wastewater Treatment Supervisor, who performs the same level function over the Wastewater Treatment Plant.

The Public Works Director concurs with this new classification and salary range.

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COMMENTS BY CITY
COUNCIL MEMBERS

The following comments were received under the "Comments by City Council Members" segment of the agenda:

COUNCIL MEMBER PINKERTON
EXPRESSES DISPLEASURE
REGARDING MEMORANDUM RECEIVED
CONCERNING ALMOND DRIVE

CC-16 Council Member Pinkerton expressed his displeasure regarding a memorandum received from Public Works Director Ronsko regarding the condition of Almond Drive which stated that it was his feeling that there was no problem with the condition or street maintenance of Almond Drive within the Country jurisdiction. Therefore, a letter will not be sent to the County as requested by the Mayor at the last City Council meeting.

MAYOR REMINDS COMMUNITY
OF UPCOMING LODI POLICE
DEPARTMENT CRIME PREVENTION
FAIR

CC-24(b) Mayor Snider reminded the citizens of this Community of the Lodi Police Department Crime Prevention Fair being held this weekend at the Grape Festival Pavilion.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

The following comments were received under the "Comments by the public on non-agenda items" segment of the agenda:

CITY COUNCIL ASKED TO
CONSIDER EXTENDING THE
PAVEMENT ON THE NORTHBOUND
LANE OF LOWER SACRAMENTO ROAD
BETWEEN ELM STREET AND
PARKWEST DRIVE FROM THE
EXISTING PAVEMENT TO THE
EAST SIDE CURB

CC-16 Mrs. Michelle Downing, 2424 Elmwood Court, Lodi, Ca
CC-45(a) addressed the City Council asking that it consider extending the pavement on the northbound lane of Lower Sacramento Road, between Elm Street and Park West Drive from the existing pavement to the east side curb. The matter was referred to staff.

PUBLIC HEARINGS There were no public hearings scheduled for this meeting.

PLANNING COMMISSION The City Council was advised that the Planning Commission had not met since Council received the last report.

COMMUNICATIONS
(CITY CLERK)

TERMS EXPIRING ON
VARIOUS BOARDS AND
COMMISSION

CC-2(a) On motion of Council Member Olson, Hinchman second, the
CC-2(d) City Council directed the City Clerk to post for the
CC-2(g) following terms expiring on various City of Lodi Boards and
CC-2(l) Commissions:
CC-2(k)

PLANNING COMMISSION

James Griffith 4 year term expiring 6/30/90

LIBRARY BOARD

C. M. Sullivan 3 year term expiring 6/30/90

SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

James Griffith 4 year term expiring 6/30/90

LODI ARTS COMMISSION

Barbara Bennett 3 year term expiring 5/5/90

Doris Johnson Mann 3 year term expiring 5/5/90

Eleanor Kundert 3 year term expiring 5/5/90

Alicia Miller 3 year term expiring 5/5/90

ASSEMBLY CONCURRENT
RESOLUTION NO. 121

CC-28 The City Clerk presented a letter which she had received
regarding Assembly Concurrent Resolution No. 121, relative
to victims of pornography.

APPEAL RECEIVED REGARDING
SENIOR APARTMENT PROJECT
CONTAINING 51-ONE BEDROOM
APARTMENTS TO BE LOCATED
AT 217 NORTH SCHOOL STREET

CC-53(b) Following receipt of a letter from Jim Pryor, Projects
Manager, Commercial Division, Lodi Development, Inc.
appealing the decision of the Planning Commission to deny

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the request for a Use Permit to construct a senior apartment project containing 51-one bedroom apartments to be located at 217 North School Street in an area zoned C-1, General Commercial, on motion of Mayor Pro Tempore Hinchman, Olson second, the City Council set the matter for public hearing on June 6, 1990.

REGULAR CALENDAR

"NO SMOKING" ORDINANCE INTRODUCED

ORDINANCE NO. 1488

CC-24(b)
CC-149

Following introduction of the matter by City Manager Peterson, City Attorney McNatt reminded the City Council that at the "shirtsleeve" session of April 10, 1990, two of three draft ordinances were presented for Council's review regarding the regulation of smoking in public places. Both regulated smoking in certain designated public places and places of employment, with Option 1 being the more stringent version. At that time, it was directed that the proposed ordinances be returned to the Council at a regular meeting for consideration and possible adoption.

Based on Council input since that time, a third option has been drafted. This version would be the most stringent of all, and would be an absolute prohibition of smoking in specified public places, with no provisions for designating portions of restaurants, waiting rooms, etc. as "smoking" areas.

All options now contain the same set of findings for consistency sake. Options Nos. 1 and 3 specify that the Fire Marshal shall be the official responsible for enforcement of the smoking ordinance. This is consistent with most other jurisdictions which have smoking ordinances.

A brief synopsis of each of the proposed ordinances is set forth below:

OPTION 1.

This option would apply to any employer having one or more employees [Section .030(5)], and gives the employer 60 days in which to adopt a smoking policy. [Section .050(B)]. It further allows any employee to designate his or her workspace "smoke free".

This version of the ordinance requires that at least 50% or more of all seating in such places as restaurants, waiting rooms, etc. be designated nonsmoking. It is an infraction punishable by a maximum fine of \$500. There are no waivers

or exemptions provided for deviation from the requirements of the ordinance.

OPTION 2.

This version applies to all employers having 5 or more employees, excluding owners [Section .020(F)] and allows the employer 90 days in which to adopt a smoking policy [.040(C)]. The stated goal of the ordinance is to provide for a "reasonable balance" between the rights of smokers and nonsmokers. It would not apply to restaurants having less than 1,000 square feet of customer seating [Section .020(J) and otherwise provides for nonsmoking areas, with a minimum of 50% of the square footage to be designated nonsmoking.

Although it is an infraction also, it does not specify fines nor designate an official to enforce the ordinance. It provides for waivers under "unusual circumstances" such as financial hardship or structural infeasibility [.080].

OPTION 3.

This is similar to Option 1 in all respects, except that it does not allow for the designation of set aside areas within facilities to be deemed "smoking" areas. It generally prohibits smoking in all "public places" as defined. The only difference in this version is that it allows owners to set aside smoking areas in employee lounges for use by employees, as long as such area is separated from places in which the public may be present, by walls and doors through which smoke cannot easily pass.

None of the ordinances would require employers or business owners to make structural changes to implement the proposed ordinances.

Addressing the City Council regarding the matter and speaking in support of an ordinance regulating smoking in public places were:

- a) Eileen St. Yves, 310 South Orange Street,
Lodi
- b) David Monk, San Joaquin Non-Smoking
Coalition
- c) William Rude, Managing Partner, Carrows
Restaurant
- d) Dr. Phillip Ross, 2135 West Vine Street,
Lodi
- e) Candice Neff, 1612 Amber Leaf Way

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- f) Sherri Senft, Sunshine Nutrition Center,
6 North School Street
- g) Ms. C. Lee, 1993 Carmel Circle, Lodi
- h) Reverend Loren Stacy, 2237 Newberry
Circle

Those speaking against such an ordinance were:

- a) Ms. Margaret Ebnet, 615 Nevins Drive,
Lodi
- b) Mr. Frank Alegre, 200 Edgewood Drive,
Lodi

Following discussion, the City Council on motion of Mayor Pro Tempore Hinchman, Olson second, by the following vote introduced Ordinance No. 1488 (Option 3), entitled, "An Ordinance of the Lodi City Council Regulating or Prohibiting Smoking in Certain Public Places and in Places of Employment."

Ayes: Council Members - Hinchman, Olson, Reid, and Snider

Noes: Council Members - Pinkerton

Absent: Council Members - None

RECESS

Mayor Snider declared a five-minute recess and the City Council reconvened at approximately 9:00 p.m.

PRESENTATION BY LODI
DISTRICT CHAMBER OF
COMMERCE REGARDING
ALCOHOLIC TAX ACT
OF 1990

CC-28

Larry Mettler, President of the Lodi District Chamber of Commerce addressed the City Council advising that it has taken a position against the Alcohol Tax Act of 1990, an initiative that they feel would have a devastating effect on many facets of California's economy. Following his indepth presentation regarding the matter, Mr. Mettler indicated that as this Act would have a direct effect on Lodi's agricultural and wine industries, the Chamber is requesting that the City of Lodi also stand in opposition.

On motion of Mayor Pro Tempore Hinchman, Reid second, the City Council voted to take no position on the matter.

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NOVEMBER 6, 1990 GENERAL
MUNICIPAL ELECTION

RESOLUTION NOS. 90-73 - 90-79

CC-18
CC-300

The City Clerk advised the City Council that the 1990 General Municipal Election for three council seats will be held on Tuesday, November 6, 1990. The terms of Council Members Olson, Reid and Snider are expiring.

By State Statute a number of actions and decisions must be made by the Council prior to the opening of nominations (July 16, 1990).

- a) It will be necessary for the Council to adopt a resolution calling for the election.
- b) The California Elections Code allows each candidate, for a nonpartisan elective office in a city, to prepare a statement to be included with the sample ballot and mailed to each registered voter.

The law requires the council to adopt a policy no later than seven days before the nominations period opens regarding the candidates' obligation for payment for candidates' statements. The policy may also include the City's position on three additional aspects of the Voters Pamphlet mailing:

PAYMENT: Elections Code Section 10012 allows the City to estimate the cost of the Candidates' Statement and require each candidate filing a statement to pay in advance to the City his or her pro rata share as a condition of having his or her statement included in the voters pamphlet. The cost of the Candidates' Statement may be borne by the city, the candidate, or the cost shared between them. (It should be noted that the city has in the past elected not to charge candidates for the cost of the Candidate's Statements.)

WORD LIMIT: The Council may authorize an increase in the limitation on words for the statement from 200 to 400 words. (It should be noted that the city has in the past elected not to increase the word limitation to 400 words.)

SPANISH LANGUAGE: The city may wish to include a summary of its policy regarding the Voting Rights Act in the policy resolution. (It should be noted that Federal Law does not require Spanish translation except to voters in four California counties. San Joaquin County is not one of the four mandated counties. The City of Lodi has for many

years undertaken an oral assistance program, which we recommend we continue to do.)

By law, the City Clerk must issue a copy of the city policy relating to Candidates' Statements at the time nomination papers are issued.

The City Council may adopt an ordinance requiring a filing fee, not to exceed \$25.00, to be paid at the time nomination papers are filed. California courts have ruled that the City Clerk may not refuse to place a candidates name on the ballot due to an inability to pay the filing fee. If you cannot waive the fee, you must provide an alternative. Court guidelines are similar to Elections Code Section 6555 providing for the substitution of four signatures of registered voters for each one dollar of the filing fee, or 10% of the total of registered voters in the district in which he seeks nomination, whichever is less. The Council must take appropriate action to enact or repeal the filing fee ordinance sufficiently in advance of the first day of the nomination process. (It should be noted that the City has in the past determined that there will be no filing fee).

State Statute allows the Council to set a limit on campaign contributions which are more stringent than those imposed by FPPC. (It should be noted that the City has in the past determined that no limit would be set on campaign contributions).

On motion of Council Member Reid, Olson second, the City Council adopted Resolution No. 90-73 - Resolution calling for the November 6, 1990 General Municipal Election.

On motion of Mayor Pro Tempore Hinchman, Reid second, the City Council adopted Resolution No. 90-74 - Resolution adopting regulations for the candidates pertaining to materials submitted to the electorate and the cost of the Candidate's statement as follows:

On motion of Mayor Pro Tempore Hinchman, Reid second, the City Council limited the number of words to be allowed on a Candidate's statement to 200 words.

On motion of Council Member Olson, Hinchman second, the City Council determined that no candidates will be permitted to include additional materials in the sample ballot.

On motion of Mayor Snider, Hinchman second, the City Council determined that there would be no charge levied to the candidates for the printing, handling, or distribution of the candidate's statement.

On motion of Council Member Reid, Olson second, the City Council directed the City Clerk to once again initiate an oral assistance program. Further, to adopt a policy that the City Clerk shall have translated and printed in the voter's pamphlet in Spanish only the candidates statement of those candidates who request translation and printing and to assess the candidates requesting this translation if it is determined that such assessment can legally be made.

On motion of Council Member Pinkerton, Olson second, the City Council adopted Resolution No. 90-75 - Resolution determining not to impose a filing fee of \$25.00 to be paid upon the filing of nomination papers.

On motion of Mayor Pro Tempore Hinchman, Reid second, the City Council adopted Resolution No. 90-76 - Resolution determining that no limit shall be set on campaign contributions which are more stringent than those imposed by FPPC for the November 6, 1990 General Municipal Election.

City Clerk Reimche advised the City Council that Section 20501 of the State of California Elections Code provides that the determination of a tie vote by Candidates who receive an equal number of votes and the highest number of votes for one office in an election to be either by lot or by the conduct of a special runoff election.

A special runoff election shall be held only if the legislative body adopts the provisions for the special election prior to the conduct of the election resulting in the tie vote.

Because of the time and cost involved in conducting a special runoff election, it was recommended that the tie vote be determined by lot which procedure would be conducted by the City Clerk at the City Council meeting immediately following the canvass of the subject General Municipal Election.

On motion of Council Member Reid, Olson second, the City Council by the following vote adopted Resolution No. 90-77 - Resolution providing that the determination of a tie vote by candidates who receive an equal number of votes and the highest number of votes for one office in the November 6, 1990 General Municipal Election will be by lot.

Ayes: Council Members - Olson, Pinkerton, Reid, and Snider

Noes: Council Members - Hinchman

Absent: Council Members - None

The City Clerk advised the City Council that Sections 22843.5 and 22844 of the Elections Code allow for one of the following courses of action to be taken by the City Council in the event there are not more candidates than offices to be elected, or if no one is nominated:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

Council was reminded that a number of years ago only the incumbents were nominated for office at the General Municipal Election. State Statute, at that time, mandated that the election be held. The City had to bear the cost of the election and the voter turnout was extremely low. State Statutes have since been amended to allow for a number of courses of action, which can be followed, should this happen. However, the decision on which course of action is to be followed must be adopted by the Council prior to the election.

The provisions of this statute does not apply if, at the subject election, more than one person has been nominated to another city office to be elected on a City-wide bases or city measure has qualified to be placed on the ballot.

In the event that no nominations are received, this matter will be brought back to the Council following the close of nominations for Council to decide if it wishes to appoint eligible voters to the office or hold the election which would then allow for write-in candidates.

On motion of Council Member Reid, Olson second, the City Council adopted Resolution No. 90-78 - A Resolution of the City Council of the City of Lodi providing for the appointment to the offices of this city that were to be elected Tuesday, November 6, 1990 of the persons who have been nominated if there are not more candidates than offices to be elected.

The City Clerk reminded the City Council that it had on October 19, 1988 adopted Ordinance No. 1438 entitled, "An Ordinance of the Lodi City Council Consolidating Municipal Elections with Statewide General Elections." This ordinance was adopted pursuant to Section 36503.5 of the State of California California Government Code.

It is necessary for the City of Lodi to enter into an Agreement with the County of San Joaquin to provide certain

services in the conduct of the November 6, 1990 General Municipal Election. The City will reimburse the County for these services when the work is completed and upon presentation to the City of a properly approved bill. The County Registrar of Voters and the City Clerk have met and have concurred on the materials, equipment and services to be provided by the County.

On motion of Mayor Pro Tempore Hinchman, Olson second, the City Council adopted Resolution No. 90-79 - Resolution approving the City entering into a contract with the County of San Joaquin for the County Registrar of Voters to provide certain services for the November 6, 1990 General Municipal Election.

PURCHASE OF AERIAL
FIRE TRUCK

RESOLUTION NO. 90-70

CC-12(d) Assistant City Manager Glenn advised the City Council that
CC-20 he was notified at 10:15 a.m. on May 8, 1990 that the
CC-47 Pierce 75' aerial ladder truck authorized by the City
CC-300 Council, was sold on Monday evening to Clinton Township, Michigan. Staff knew that the vehicle would be sold to the first entity confirming the sale. At 4:00 p.m. Monday the vehicle had not been sold.

At Tuesday morning's "Shirtsleeve" meeting Chief Hughes notified the Council that he received a proposal from Federal Signal Corporation to sell to the City an Emergency-One 75' aerial ladder truck. This vehicle is comparable to and will meet our needs as well as the Pierce.

There is a fiscal advantage to the purchase of the Emergency-One truck. Even though the initial price is higher, the offered interest rate is lower, thus lowering the overall cost. Secondly, the first payment is due upon receiving the truck, not upon placing the order. Therefore, no appropriation of funds is required for fiscal year 1989-90. The funds for the first payment are included in the 1990-91 budget presently being prepared.

Council was respectfully requested to approve the lease purchase of an Emergency-One 75' aerial ladder truck at a purchase price of \$338,908.81 including tax from Federal Signal Leasing Corporation.

Following discussion, Council, on motion of Mayor Snider, Pinkerton second, rescinded its action of Tuesday, May 8, 1990 to purchase a fire truck from Pierce Equipment Co. and to adopt Resolution 90-70 authorizing the purchase of one Emergency-One 75' aerial ladder truck from Emergency-One, Inc. and Federal Signal Leasing Corporation.

Continued May 16, 1990

UPDATE ON 2-HOUR FIRE
WALL REQUIREMENTS
CONTAINED IN ORDINANCE
NO. 1482 ADOPTING THE
"UNIFORM FIRE CODE,
1988 EDITION"

CC-24(b)

The City Council was reminded by Fire Chief Hughes that at its meeting of April 18, 1990 it adopted Ordinance No. 1482, "Adoption of the 1988 Uniform Fire Code as amended". One of the amendments to the Fire Code was the requirement that automatic fire sprinklers be installed in all buildings hereafter constructed if the building was in excess of 6,000 square feet, three or more stories in height, or remodeled in excess of \$100,000 and met the above noted criteria. The Council, in response to concerns that we had not included the allowance of two hour fire walls, directed the Fire Chief to meet with those expressing such concern. The purpose of such a meeting being to determine if we could find a solution to the concerns.

The Fire Marshall sent out letters to 11 individuals inviting them to discuss their concerns with us on May 9, 1990. The following persons came to the meeting:

- a) Chris Faszer, Vic Meyer Engineering
- b) Ted Molfino, a local builder
- c) Jim Pryor, Lodi Development
- d) Charles Faszer, Charles J. Faszer Inc.
- e) Marty Weybret, Lodi News Sentinel

At this meeting we agreed to amend the automatic fire sprinkler section of Ordinance No. 1482 to allow the installation of two hour fire walls, with no openings to separate buildings into areas of 6,000 square feet or less. This exception will require the identification of such walls on the sight plans and identification of the location of the fire wall on the exterior of the building.

While this requirement will place an additional burden of inspections on the Fire Department, we feel it is the best compromise for all concerned at this time and therefore support the adoption of the amendment of Ordinance No. 1482.

Following discussion, the Mayor directed that this matter be brought back to the City Council for consideration at the June 6, 1990 City Council meeting.

ORDINANCES

ORDINANCE NO. 1486 ADOPTED

ORDINANCE AMENDING
LODI MUNICIPAL CODE BY
DELETING FROM THE
DEFINITION OF "REFUSE"
ALL INFECTIOUS WASTE

CC-24(b) Ordinance No. 1486 entitled, "An Ordinance of the Lodi
CC-22(b) City Council Amending Lodi Municipal Code Section 13.16.010
CC-149 (I) By Deleting from the Definition of 'Refuse' all
Infectious Waste" having been introduced at a regular
meeting of the Lodi City Council held May 2, 1990 was
brought up for passage on motion of Council Member Olson,
Reid second. Second reading of the ordinance was omitted
after reading by title, and the ordinance was then adopted
and ordered to print by unanimous vote of the City Council.

ORDINANCE REZONING THE
2.5 ACRE PARCEL LOCATED
AT 428, 440, AND 448 ALMOND
DRIVE FROM R-MD, MEDIUM
DENSITY MULTIPLE FAMILY
RESIDENTIAL TO P-D (28),
PLANNED DEVELOPMENT DISTRICT
NO. 28

ORDINANCE NO. 1487 ADOPTED

CC-53(a) Ordinance No. 1487 entitled, "An Ordinance of the Lodi City
CC-149 Council Amending the Official District Map of the City of
Lodi and Thereby Rezoning the 2.5 Acre Parcel Located at
428, 440 and 448 Almond Drive from R-MD, Medium Density
Multiple Family Residential to P-D (28), Planned
Development District No. 28" having been introduced at a
regular meeting of the Lodi City Council held May 2, 1990
was brought up for passage on motion of Council Member
Reid, Hinchman second. Second reading of the ordinance was
omitted after reading by title, and the ordinance was then
adopted and ordered to print by unanimous vote of the City
Council.

ADJOURNMENT

On motion of Council Member Olson, Hinchman second, the
meeting was adjourned at approximately 10:05 p.m. to
Thursday, May 31, 1990 at 7:00 a.m. to address taxi cab
service.

ATTEST:

Alice M. Reimche
Alice M. Reimche
City Clerk